

AGENDA
Newberry County Board of Zoning Appeals
Tuesday, January 3, 2023, at 5:30 p.m.
County Council Chambers
Newberry County Annex

I. Call to Order and Determination of Quorum:

II. Election of officials of the Newberry County Board of Zoning Appeals

A. Nomination of Chair, Vice-Chair and Secretary

B. Voting for Chair, Vice-Chair and Secretary

III. Approval of Minutes of Meeting for December 6, 2022:

IV. Old Business: None

V. New Business: Case Presentation

Case # VA01-01-03-23, A Variance request for the relief of the average of the 291-foot setback from the 360-contour of Lake Murray to be 269-feet, for a new house. The property is located at 281 Osprey Pointe, Prosperity, SC. Tax Map # 478-2-1-4

Case # VA02-01-03-23, A Variance request for the relief of the 25-foot required front yard setback to be 2-foot from the road right-of-way, for a 20' x 30' storage building. The property is located at 205 Bethel Church Rd., Prosperity, SC. Tax Map # 593-71

Case # VA03-01-03-23, A Variance request for the relief of the 7-foot required side yard setback to be 1.5-foot from the side lot line, for a 10' x 18' storage building. The property is located at 1049 Grant Dr., Prosperity, SC. Tax Map # 591-1-1-75

VI. Other Business: Approval of the Board of Zoning Appeals Meetings for 2023

VII. Discussion and Informational Items:

A. Next scheduled BZA meeting is February 7, 2023 at 5:30 p.m.

VIII. Adjourn:

Attachments

MINUTES OF MEETING
Newberry County Board of Zoning Appeals
Tuesday, December 6, 2022 @ 5:30 p.m.
Council Chambers
Newberry County Annex

DRAFT

Members Present:

Chairman Wayne Boland
Vice-Chairman Anna Kay Coleman
Ty Ransdell
Patrick Wilkes
Hugh Lister
Patrick Meetze

Members Absent:

Doug Hipp

Other Attendees:

Ron Powell, Director of Building, Planning and Zoning
Lori Shealy, Administrative Support
Bridgett Fain, Secretary
Keith Tolbert, Applicant
Deborah Greene, Applicant

Call to Order and Determination of Quorum: Chairman Wayne Boland called the meeting to order at 5:30 p.m. and determined there was a quorum.

Approval of Minutes of Meeting: The minutes of the November 1, 2022, meeting was reviewed. A motion to approve the minutes with corrections was made by Hugh Lister, seconded by Vice-Chairman Anna Kay Coleman. The vote was unanimous to approve the minutes with corrections

Old Business: None

New Business: Case Presentation

Case # VA01-12-06-22, A Variance request for the relief of the 25-foot required front yard setback to be 8-foot from the road right-of-way, for a 24' x 24' open carport. The property is located at 304 Chalet Rd., Prosperity, SC. Tax Map # 653-3-39-9

Ron Powell presented the case to the Board as outlined in the Staff Report. He stated that the applicant, Keith Tolbert, is requesting this variance to be allowed to place an open carport on the property, 8-feet from the road right of way. After a brief discussion with various pertinent questions from the board members, Hugh Lister made a motion to approve the request, seconded by Patrick Meetze. The vote was unanimous to approve the variance.

Case # VA02-12-06-22, A Variance request for the relief of the average of the 118-foot setback from the 360-contour of Lake Murray to be 91-feet, for an inground pool. The property is located at 42 Sommerset Place, Prosperity, SC. Tax Map # 594-8-1

Ron Powell presented the case to the Board as outlined in the Staff Report. He stated that the applicant, Wesley Muller, is requesting this variance to be allowed to place a inground pool on the property, 91-feet from the 360-contour of Lake Murray. After a brief discussion with various pertinent questions from the board members, Ty Ransdell made a motion to approve the request, seconded by Hugh Lister. The vote was unanimous to approve the variance.

Other Business: None

Discussion and Informational Items:

- a. **Next scheduled BZA meeting is January 3, 2023, at 5:30 p.m.**

Adjourn: Due to there being no other business, Vice-Chairman Anna Kay Coleman made a motion to adjourn the meeting, seconded by Hugh Lister, and Chairman Wayne Boland adjourned the meeting at 5:50 p.m.

Notice of Appeal
Form 1
Board of Zoning Appeals
County of Newberry

Date Filed: 12/1/22 Fee Paid: \$150.00 Appeal No.: VA01-01-03-23

This form must be completed for a hearing on **appeal** from action of a zoning official, application for a **variance**, or application for **special exception**. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [indicate one]:

- from action of a zoning official as stated on attached Form 2.
- for a variance as stated on attached Form 3.
- for a special exception as stated on attached Form 4.

APPLICANT(S) [print] Robert Reynolds, Jr.
Address: 990 Forts Pond Rd, Pelion, SC 29123
Telephone: 803-924-6152 [work] _____ [home]
Interest: _____ Owner(s): _____ Adjacent Owner(s); Other _____

OWNER(S) [if other than Applicant(s)]: Robert Reynolds, Jr.
Address: 990 Forts Pond Rd, Pelion, SC 29123
Telephone: 803-924-6152 [work] _____ [home]
[Use reverse side if more space is needed]

PROPERTY ADDRESS:
911 Address: 281 Osprey Pointe, Prosperity SC 29127
Tax Map No. (TMS #): 478-2-1-4 Plat Book: D210 Page No.: 3
Zoning District Classifications: R5m

DESIGNATION OF AGENT [complete **only** if owner **is not** applicant]:

I ___/We ___ hereby appoint the person named as Applicant as my ___/our ___ agent to represent me ___/us ___ in this application.

Date: _____

Owner

Owner

I /We ___ certify that the information in this application and the attached Form 2, 3, or 4 is correct.

Date: 12-1-22

[Signature]
Applicant

Applicant

Reviewed for completeness by Zoning Official

B. Fan

Variance Application
Form 3
Board of Zoning Appeals
County of Newberry

Date Filed: 12/1/22

Fee Paid: \$150.00

Appeal No.: VA01-01-03-23

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in Notice of Appeals (Form 1) of the following provisions of the Zoning Ordinance:

Section 153.168 Requires the principal structure to be the garage of the setbacks from the 300-foot of Adjacent
described as follows: a 22-foot variance to be 269 feet from the 360-foot
for a new house.

for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited sections of the Zoning Ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance as set by State law and the ordinance are met by the following findings of fact:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

Based on SDHFC requirement for the placement of the septic tank & pushing home forward towards road would order

- b. These conditions do not generally apply to other property in the vicinity as shown by: most of the properties in the vicinity are still being developed.

- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: The New house would not be allowed to be built in the planned location

- d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: The New house is an allowed use in this zoning district of RSM-Single Family Residential

- e. The effect of the variance would would not allow the establishment of a use not otherwise permitted in the zoning district; would would not extend physically a nonconforming use of the land; would would not change the zoning district boundaries shown on the official zoning map.

3. The following documents are submitted in support of this application:

Exhibit A. Plat (Site Plan) Plat
Exhibit B. Staff Report
Exhibit C. GIS Aerial
Exhibit D. Department photographs
Exhibit E. Copy of section 153.168

Appeal No.: VA01-01-03-23

I understand that all surrounding property owners will be notified by the County, and a public hearing is required, in order for this variance application to be heard by the Board of Zoning Appeals. In addition, payment of the application fee guarantees a hearing and consideration of my request, but does not guarantee that my request will be granted.

✓ Date: 12-1-22

[Signature]
Applicant

Applicant

Reviewed for completeness by Zoning Official

[Signature]

- 1) take properties where both sides of the properties are developed. The required setback should be 291-feet from the 300-footour of Lake Murray.
- 2) a) make the home have to be further off of the grounds.

Exhibit A



THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, RESTRICTIVE COVENANTS, BUILDING SETBACKS, ZONING AND OTHER LAND USE REGULATIONS OR RESTRICTIONS AND ENVIRONMENTAL LAWS. BE TIEED OF RECORD OR ON THE GROUND AND ALSO SUBJECT TO ANY MORTGAGES, LIENS OR FACTS THAT MAY BE REVEALED BY AN ACCURATE AND CURRENT TITLE SEARCH.

20210042854
 Filed for Record in
 NEWBERRY COUNTY, SC
 08-17-2021 at 12:37 PM
 PLAT 2010 Page 3
 Book

THERE MAY BE UNDERGROUND UTILITIES ON THIS PROPERTY THAT ARE NOT VISIBLE AT THE SURFACE THAT ARE NOT SHOWN HEREON.

ALL IP'S ARE 5/8" REBAR UNLESS NOTED OTHERWISE.

SUBSURFACE CONDITIONS, ENVIRONMENTAL CONDITIONS AND WETLAND/FLOOD CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.

CERTIFICATION OF THIS PLAT AND IT'S USE IS FOR THOSE PARTIES FOR WHOM IT IS PREPARED ONLY, AND IS NOT TRANSFERABLE.

COPYRIGHT 2021 MONUMENT SURVEYS LLC.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MICHIGAN STANDARD MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR CLASS A SURVEY AS SPECIFIED.

BASED ON NEWBERRY COUNTY FIRM MAP 4507104600 EFFECTIVE DATE OF SALE, 06/20/11, THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA (AE). THIS PROPERTY LIES WITHIN ZONE X. SEE MAP NOTED.

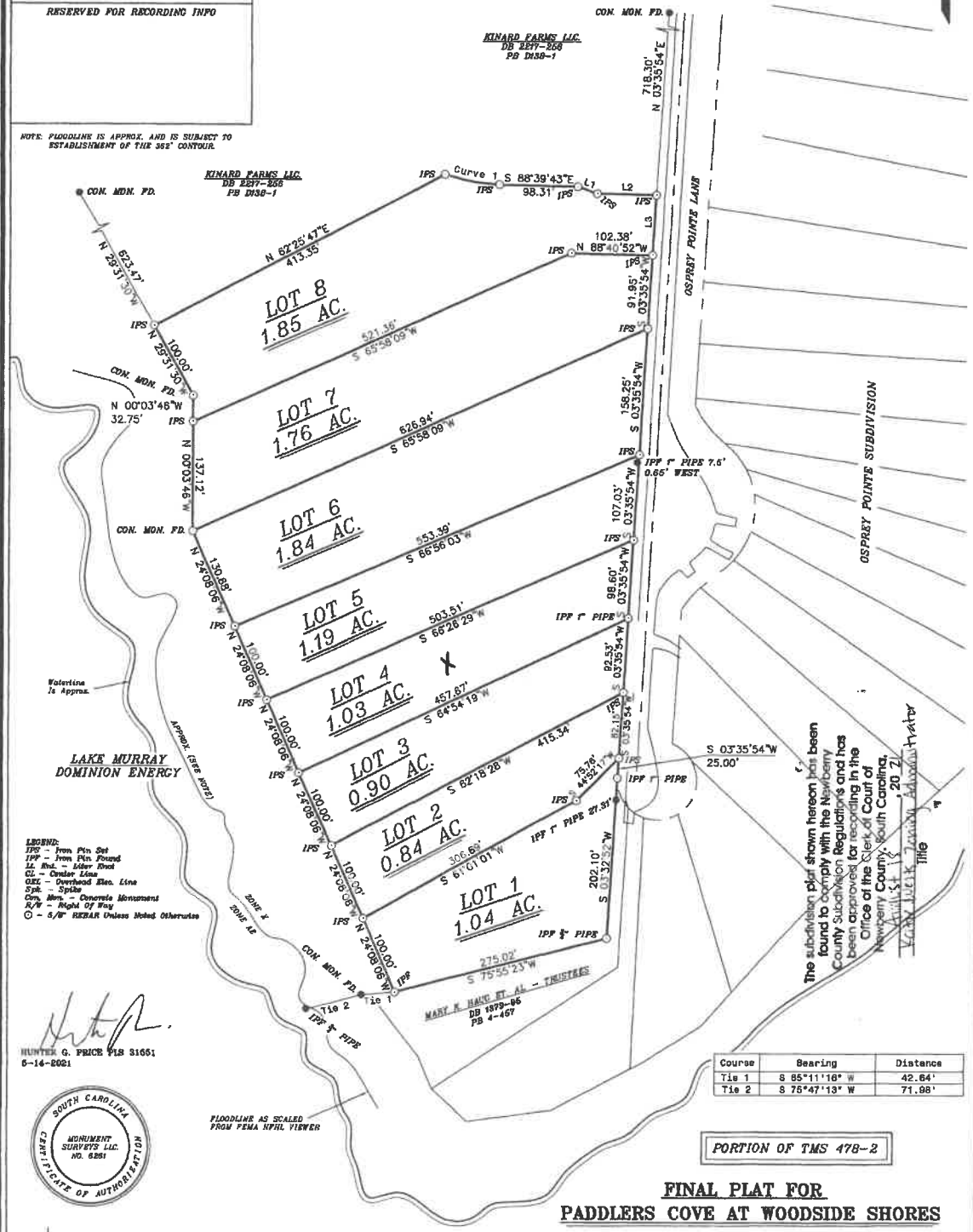
Course	Bearing	Distance
L1	S 70°44'08" E	25.86'
L2	S 88°40'52" E	75.08'
L3	S 03°35'54" W	78.00'

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
CURVE 1	280.15	35.03	69.70	14°15'18"	20°27'06"	89.52	S 79°29'20" E

RESERVED FOR COUNTY APPROVAL

RESERVED FOR RECORDING INFO

NOTE: FLOODLINE IS APPROX. AND IS SUBJECT TO ESTABLISHMENT OF THE 100' CONTOUR.



LEGEND:
 IPF - Iron Pin Found
 L.P. - Iron Pin Found
 L.L. - Lateral Line
 O.L. - Center Line
 O.S. - Overhead Elec. Line
 Spk. - Spike
 Con. Mon. - Concrete Monument
 R/W - Right of Way
 5/8" - 5/8" REBAR Unless Noted Otherwise

HUNTER G. PRICE PLS 31651
 5-14-2021

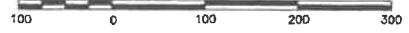


MONUMENT SURVEYS LLC.
 200 DENNY HWY.
 SALUDA, S.C. 29138
 864-445-9396

LAKE MURRAY
 DOMINION ENERGY

FINAL PLAT FOR
 PADDLERS COVE AT WOODSIDE SHORES

NEWBERRY COUNTY SOUTH CAROLINA
 MAY 14, 2021 SCALE: 1"=100'



Course	Bearing	Distance
Tie 1	S 85°11'18" W	42.64'
Tie 2	S 75°47'18" W	71.98'

PORTION OF TMS 478-2

The subdivision plan shown hereon has been found to comply with the Newberry County Subdivision Regulations and has been approved for recording in the Office of the Clerk of Court of Newberry County, South Carolina.

STAFF REPORT
BOARD OF ZONING APPEALS

January 3, 2023

Case No.: VA01-01-03-23

Applicant: Aquarium Pools of Columbia
Property Address: 281 Osprey Pointe, Prosperity, SC
Tax Map #: 478-2-1-4

Nature of Appeal: A Variance request for the relief of the 291-foot setback from the 360-contour of Lake Murray to be 269-feet from the 360-contour.

Proposed Use: A new site-built house for personal use.

Board Determines: The Board is required to consider the following factors, per section 153.052(A)-(F) and 153.168 of the Zoning Ordinance:

153.052 (C) (1 - 5)

- 1) There are extraordinary and exceptional conditions pertaining to a particular piece of property;
- 2) These conditions do not generally apply to other property in the vicinity or in that district;
- 3) Because of these conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict use of the property;
- 4) The authorization of the variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance; and
- 5) The effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; would not change the zoning district boundaries shown on the official zoning map.

§153.168 Setback from the lake shore (See Zoning Ordinance page 111)

NEWBERRY COUNTY

Exhibit C

478-2
124.67 AC

478-2-1-8
1.85 AC

478-2-1-7
1.76 AC

478-2-1-6
1.84 AC

RSM

478-2-1-5
1.19 AC

X
45071C0460C

478-2-1-4
1.03 AC

478-2-1-3 #3767

478-2-1-2 #3723

478-2-1-2

478-2-1-1
1.04 AC

480-2-11
1.54 AC

480-1
3 AC

RS

480-2-4

AE
Lake Murray

338
360
300

244

338
244
2 | *582* = *291* *Required*

255

281

311

320

480-2-3

332

480-2-1

480-2-2

361

348

Imagery collected in 2020 by GeoEye, Inc. Imagery processed by Adam DeMott, South Carolina State GIS Coordinator and hosted by ESRI

360



0 65 130 260 390 520 Feet

Exhibit D



AREA, SETBACK AND DIMENSIONAL REQUIREMENTS

§ 153.165 PURPOSE, INTENT AND APPLICABILITY.

In order to ensure that new development, renovations, and reconstructions are designed, sized, and sited to complement the area in which they are located and the character of the county in general; and to protect existing development and property values through the promotion of high standards of compatibility; the following standards are hereby adopted.

(Ord. 06-11-16, passed 9-21-2016)

§ 153.166 CONFORMANCE.

All permitted, conditional, and accessory uses and uses permitted by special exception shall conform to the area, height, density and dimensional requirements as provided in this section for the district in which the use is located.

(Ord. 06-11-16, passed 9-21-2016)

§ 153.167 MODIFICATION OF REQUIREMENTS.

The requirements of this chapter may be further modified by other applicable sections of this zoning ordinance, including, but not limited to, those provided in §§ 153.088 *et seq.* - Conditional Uses and §§ 153.136 *et seq.* - Special Exceptions. Where requirements differ, the more restrictive requirement shall apply.

(Ord. 06-11-16, passed 9-21-2016)

§ 153.168 SETBACK FROM THE LAKE SHORE.

All principal and accessory structures shall be set back no less than 50 feet from the 360 contour line 1929 National Geodetic Vertical Datum (NGVD) on

Lake Murray and the 440 contour line on Lake Greenwood. However, where adjacent lake properties on both sides of a property are developed, the setback shall not be less than the average of the setback from the 360 contour on Lake Murray or the 440 contour on Lake Greenwood of the principal structures on the adjacent lake properties. Mapping and survey data as provided by the Newberry County Geographic Information System (GIS) will be used by the Zoning Administrator to determine the original location of the 360 or 440 contour lines. Local, state, or federal setback requirements from the lake shore may also apply.

(Ord. 06-11-16, passed 9-21-2016; Am. Ord. 12-23-18, passed 2-6-2019)

§ 153.169 ORIENTATION OF REQUIRED YARDS.

(A) *Generally.* In interpreting requirements related to establishment of required yards, the Zoning Administrator shall apply the following interpretation to the orientation of the yards.

(1) *Through lots.* If both the front and rear yards of a lot abut public streets, then the rear building line shall respect the alignment of buildings on the back street while the front building line shall respect the alignment of buildings on the fronting street.

(2) *Corner lots with 2 frontages.* In the case of corner lots with 2 frontages, a front yard of the required depth shall be provided on the frontage of the street having the higher traffic volume. Where the traffic volumes on both streets are approximately equal, the required depth shall be provided on the street frontage having the minimum lot width. A second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

(3) *Corner lots with more than 2 frontages.* In the case of corner lots with more than 2 frontages, the Zoning Administrator shall determine the front yard requirements, subject to the following limitations:

Notice of Appeal
Form 1
Board of Zoning Appeals
County of Newberry

Date Filed: 12-5-22 Fee Paid: 150.00 Appeal No.: VA02-01-03-23

This form must be completed for a hearing on appeal from action of a zoning official, application for a variance, or application for special exception. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [indicate one]:

- from action of a zoning official as stated on attached Form 2.
- for a variance as stated on attached Form 3.
- for a special exception as stated on attached Form 4.

APPLICANT(S) [print] Melvin Eugene Springfield
Address: 205 Bethel Church Rd, Prosperity SC 29127
Telephone: 803-348-8898 [home]
Interest: Owner(s) Adjacent Owner(s); Other

OWNER(S) [if other than Applicant(s)]: Melvin E & Karen M Springfield
Address: 205 Bethel Church Rd, Prosperity SC 29127
Telephone: 803-348-8898 [work] [home]
[Use reverse side if more space is needed]

PROPERTY ADDRESS:
911 Address: 205 Bethel Church Rd, Prosperity SC 29127
Tax Map No. (TMS #): 593-71 Plat Book: D97 Page No.: 3
Zoning District Classifications: R5M

DESIGNATION OF AGENT [complete *only* if owner *is not* applicant]:
I /We ✓ hereby appoint the person named as Applicant as my /our agent to represent me /us in this application.

Date: _____

Owner _____

Owner _____

I /We ✓ certify that the information in this application and the attached Form 2, 3, or 4 is correct.

Date: 12-5-22

Melvin E Springfield
Applicant
Karen M Springfield
Applicant

Reviewed for completeness by Zoning Official

B. Far

Variance Application
Form 3
Board of Zoning Appeals
County of Newberry

Date Filed: 12-5-22 Fee Paid: 150.00 Appeal No.: VA 02-01-03-23

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in Notice of Appeals (Form 1) of the following provisions of the Zoning Ordinance:
section 153.172 requires 25-foot Road right-of-way setback so
that a permit may be issued to allow use of the property in a manner shown on the attached plat (site plan), described as follows: a 23-foot Variance to be 2-foot from the road right-of-way for a 20x30' storage shed
for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited sections of the Zoning Ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance as set by State law and the ordinance are met by the following findings of fact:

X a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:
Lot is long and skinny with a significant amount of property in the flood zone.
Septic tank and drain field are in the only area not covered by home that is not in the flood zone.

X b. These conditions do not generally apply to other property in the vicinity as shown by:
Most lots are deeper with more land not in the flood zone

X c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:
Storage shed would be prohibited in only area available. The storage shed could not be placed in the planned location

X d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:
Storage shed will match existing home's white siding and shingles. Shed will not block anyone's view of the lake and would be buffered by wooded area.

e. The effect of the variance would would not allow the establishment of a use not otherwise permitted in the zoning district; would would not extend physically a nonconforming use of the land; would would not change the zoning district boundaries shown on the official zoning map.

3. The following documents are submitted in support of this application:

- Exhibit A. Plat (Site Plan) Plat
- Exhibit B. Staff Report
- Exhibit C. GIS Aerial
- Exhibit D. Department Photographs D1 + D2
- Exhibit E. _____

Notice of Appeal
Form 1
Board of Zoning Appeals
County of Newberry

Date Filed: _____ Fee Paid: _____ Appeal No.: _____

This form must be completed for a hearing on appeal from action of a zoning official, application for a variance, or application for special exception. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [indicate one]:

- from action of a zoning official as stated on attached Form 2.
- for a variance as stated on attached Form 3.
- for a special exception as stated on attached Form 4.

APPLICANT(S) [print] Melvin Eugene Springfield
Address: 205 Bethel Church Rd, Prosperity SC 29122
Telephone: 803-348-8893 [work] _____ [home]
Interest: _____ Owner(s): Adjacent Owner(s); Other _____

OWNER(S) [if other than Applicant(s)]: Melvin E. & Karen M. Springfield
Address: 205 Bethel Church Rd, Prosperity SC 29122
Telephone: 803-348-8893 [work] _____ [home]
[Use reverse side if more space is needed]

PROPERTY ADDRESS:

911 Address: 205 Bethel Church Rd, Prosperity SC 29122
Tax Map No. (TMS #): 593-71 Plat Book: D971 Page No.: 3
Zoning District Classifications: RS10

DESIGNATION OF AGENT [complete *only* if owner *is not* applicant]:

I ___/We ___ hereby appoint the person named as Applicant as my ___/our ___ agent to represent me ___/us ___ in this application.

Date: _____

Owner _____

Owner _____

I ___/We certify that the information in this application and the attached Form 2, 3, or 4 is correct.

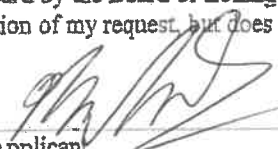
Date: _____

Applicant [Signature]
 Applicant Karen Springfield

Appeal No.: VA02-01-03-23

I understand that all surrounding property owners will be notified by the County, and a public hearing is required, in order for this variance application to be heard by the Board of Zoning Appeals. In addition, payment of the application fee guarantees a hearing and consideration of my request, but does not guarantee that my request will be granted.

X Date: 12-9-22

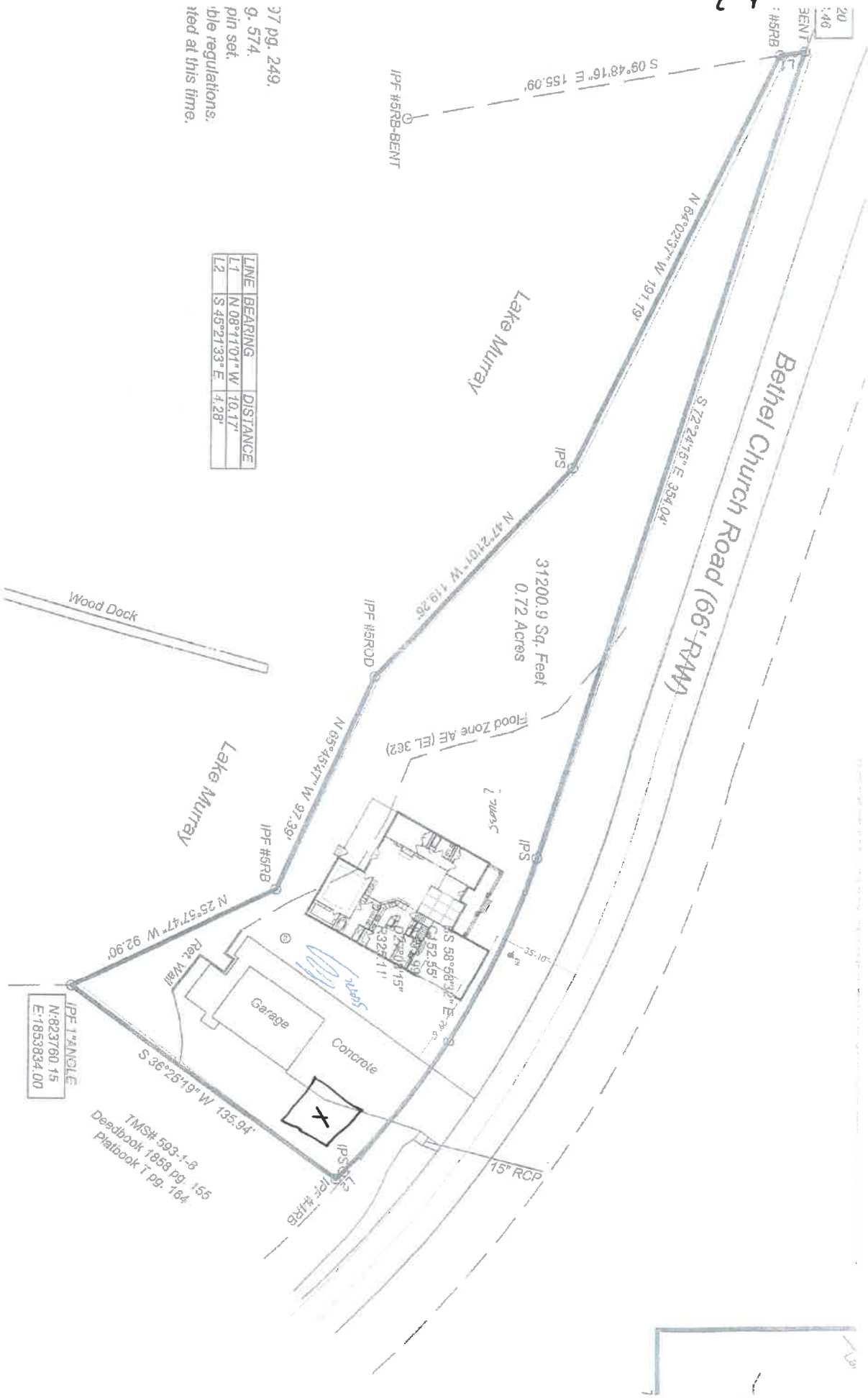
X 
Applicant

X Karen Springfield
Applicant

Reviewed for completeness by Zoning Official

B. Fawcett

Exhibit A



37 pg. 249.
 9. 574.
 pin set.
 able regulations.
 ited at this time.

LINE	BEARING	DISTANCE
L1	N 08°11'01" W	10.17'
L2	S 45°21'33" E	4.28'

IPF #1XNDLE
 N: 823780.15
 E: 1853834.00

TMS# 592-1-8
 Deedbook 1858 pg. 155
 Platbook T pg. 184

STAFF REPORT
BOARD OF ZONING APPEALS

January 3, 2023
Case No. VA02-01-03-23

Applicant: Melvin Springfield
Property Address: 205 Bethel Church Rd., Prosperity, SC
Tax Map #: 593-71

Nature of Appeal: This is a request for a 23-foot variance from the 25-foot front yard setback, to be 2-foot from the road right-of-way.

Proposed Use: For a 20' x 30' storage building for personal use.

Board Determines: The Board is required to consider the following factors, per section 153.052(A)-(F) of the Zoning Ordinance:

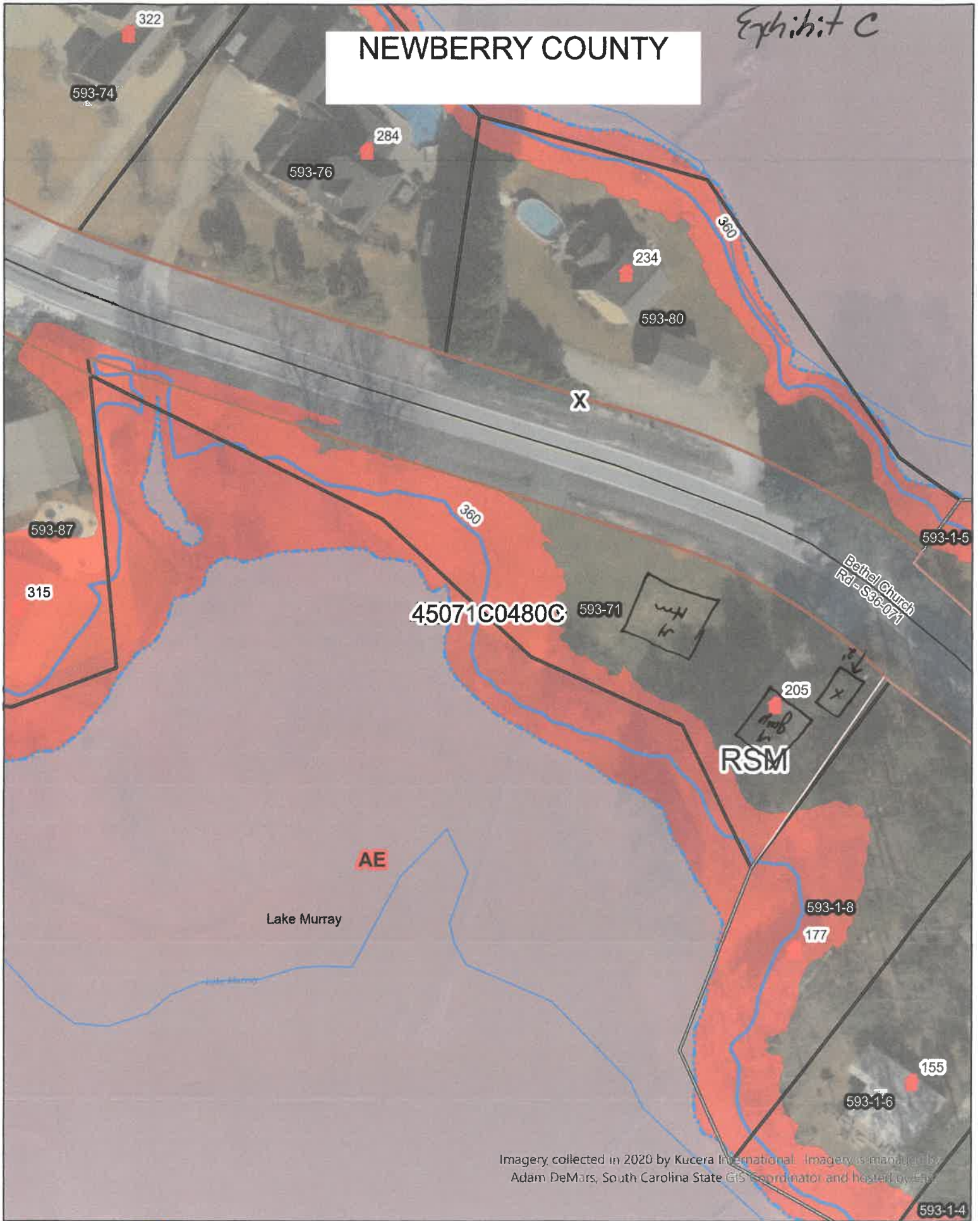
153.052 (C) (1 - 5)

- 1) There are extraordinary and exceptional conditions pertaining to a particular piece of property;
- 2) These conditions do not generally apply to other property in the vicinity or in that district;
- 3) Because of these conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict use of the property;
- 4) The authorization of the variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance; and
- 5) The effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; would not change the zoning district boundaries shown on the official zoning map.

§153.172 Lot area, width, setback requirements table (See Zoning Ordinance)

Exhibit C

NEWBERRY COUNTY



45071C0480C

RSM

AE

Lake Murray

Imagery collected in 2020 by Kucera International. Imagery is managed by Adam DeMars, South Carolina State GIS Coordinator and hosted by ESRI.



Exhibit D(1)



12/8/22

Zoning Pic
N. Highway 102



**Notice of Appeal
Form 1
Board of Zoning Appeals
County of Newberry**

Date Filed: 12-7-22 Fee Paid: 150.00 Appeal No.: VA03-21-03-23

This form must be completed for a hearing on **appeal** from action of a zoning official, application for a **variance**, or application for **special exception**. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [indicate one]:

- from action of a zoning official as stated on attached Form 2.
- for a variance as stated on attached Form 3.
- for a special exception as stated on attached Form 4.

APPLICANT(S) [print] Larry Tucker
Address: 1425 Kennersly Rd, Irmo SC 29063
Telephone: 803-960-0455 [work] _____ [home]
Interest: _____ Owner(s): Adjacent Owner(s); Other _____

OWNER(S) [if other than Applicant(s)]: Larry & Kelly Tucker
Address: 1425 Kennersly Rd, Irmo, SC 29063
Telephone: 803-960-0455 [work] _____ [home]
[Use reverse side if more space is needed]

PROPERTY ADDRESS:

911 Address: 1049 Grant Dr, Prosperity, 29127
Tax Map No. (TMS #): 597-1-1-7B Plat Book: _____ Page No.: _____
Zoning District Classifications: RS m

DESIGNATION OF AGENT [complete *only* if owner *is not* applicant]:

I ___/We ___ hereby appoint the person named as Applicant as my ___/our ___ agent to represent me ___/us ___ in this application.

Date: _____

Owner

Owner

I ___/We certify that the information in this application and the attached Form 2, 3, or 4 is correct.

Date: 12-7-22

Larry R. Tucker
Applicant

Kelly H. Tucker
Applicant

Reviewed for completeness by Zoning Official

B. Fane

Variance Application
Form 3
Board of Zoning Appeals
County of Newberry

Date Filed: 12-7-22 Fee Paid: \$150.00 Appeal No.: VA03-01-03-23

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in Notice of Appeals (Form 1) of the following provisions of the Zoning Ordinance:

153.12 Zoning Code requires 7-foot side lot line setback

that a permit may be issued to allow use of the property in a manner shown on the attached plat (site plan), described as follows: 5.5-foot variance to be 1.5-foot from the side lot line for a 10' x 18' storage Building
for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited sections of the Zoning Ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance as set by State law and the ordinance are met by the following findings of fact:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

There is an existing septic system on the property preventing one the shed from being placed in the required location. Also →

b. These conditions do not generally apply to other property in the vicinity as shown by: most of the lots in this vicinity appear to already be developed.

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: The structure is to house a Golf Cart which requires the 10x18' foot space and without this variance the 10x18' foot shed could not be placed in the planned location.

d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: The shed is an allowed use in this zoning district

e. The effect of the variance would would not allow the establishment of a use not otherwise permitted in the zoning district; would would not extend physically a nonconforming use of the land; would would not change the zoning district boundaries shown on the official zoning map.

3. The following documents are submitted in support of this application:

Exhibit A. Plat (Site Plan) Plat
Exhibit B. Staff Report
Exhibit C. GIS Aerial
Exhibit D. Department Photographs
Exhibit E. Site Plan

Appeal No.: _____

I understand that all surrounding property owners will be notified by the County, and a public hearing is required, in order for this variance application to be heard by the Board of Zoning Appeals. In addition, payment of the application fee guarantees a hearing and consideration of my request, but does not guarantee that my request will be granted.

✓ Date: 12-7-22

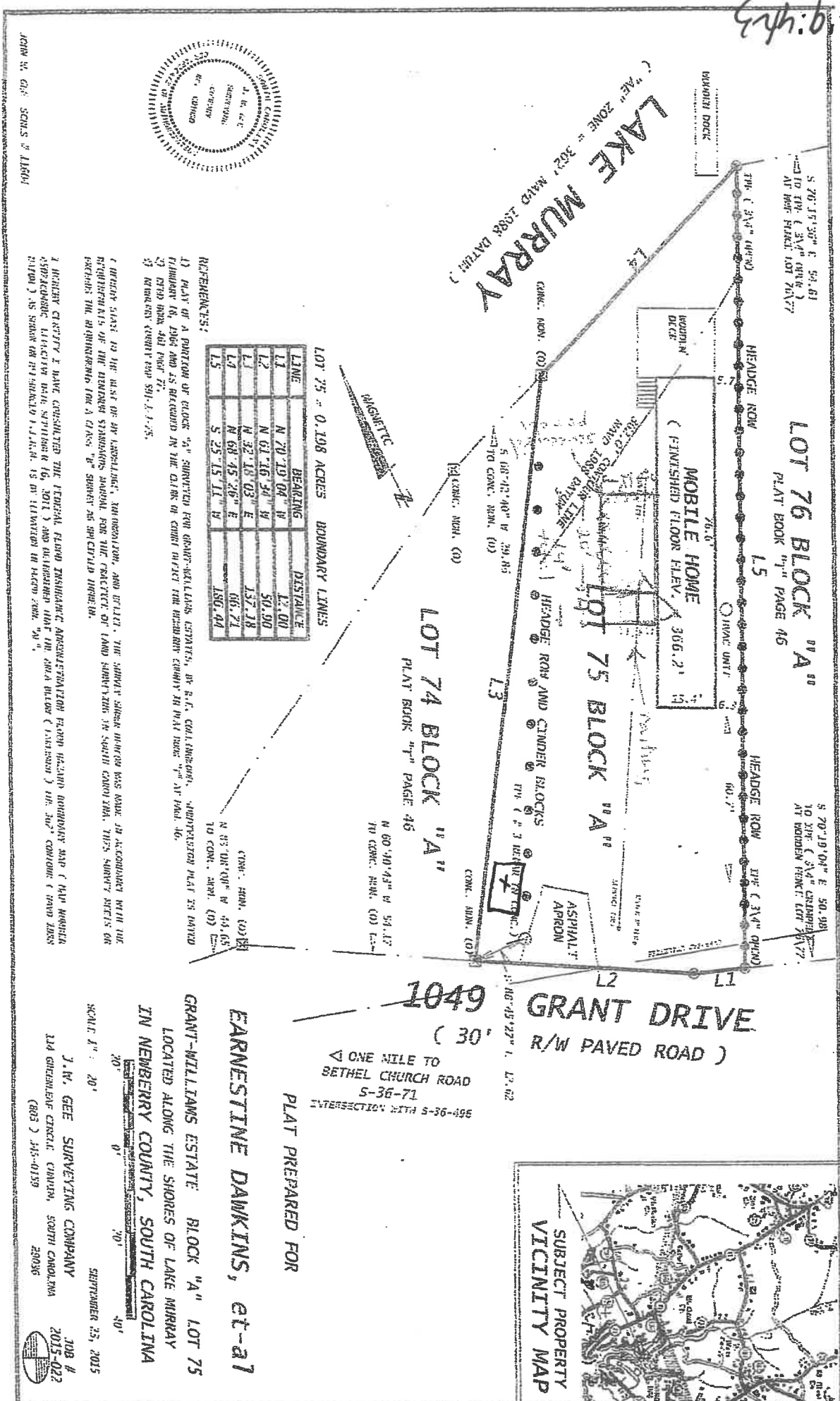
✓ Larry R. Tucker
Applicant

Kelly H. Tucker
Applicant

Reviewed for completeness by Zoning Official B. Low

2. a. there is an existing driveway on the property preventing the shed from being placed in the required location. see site plan.

Exhibit A
Larry Tucker
509-240-0455



LOT 75 - 0.108 ACRES BOUNDARY LINES

LINE	BEARING	DISTANCE
L1	N 70° 19' 04" W	12.00
L2	N 61° 16' 34" W	50.90
L3	N 32° 18' 03" E	137.18
L4	N 68° 45' 28" E	66.71
L5	S 25° 15' 11" W	180.94

- REFERENCES:
- 1) PLAT OF A PORTION OF BLOCK "A" SURVEYED FOR GRANT-WILLIAMS ESTATE, BY R.C. COLLINGSBORN, SURVEYOR PLAT 55 IN VOLUME 16, 1964 AND IS RECORDED IN THE CLERK OF COURTS OFFICE FOR THE COUNTY OF SOUTH CAROLINA, IN PLAT BOOK "A" PAGE 46.
 - 2) 2ND EDITION 1988 EDITION.
 - 3) RECORDS COUNTY MAP 501-1-75.

ORDER MADE TO THE EAST BY LABELING, DIMENSION, AND BEARING. THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE GENERAL STATUTES APPLICABLE FOR THE PROTECT OF LAND SURVEYING IN SOUTH CAROLINA. THESE SURVEY MEASUREMENTS ARE THE PROPERTY OF THE SURVEYOR FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.

I HEREBY CERTIFY I HAVE CONSULTED THE FEDERAL FLOOD INSURANCE ADMINISTRATION RECORDS AND DETERMINED THAT THE MOBILE HOME AND APRON LOCATED ON LOT 75, BLOCK "A", PLAT 75, IS NOT IN A FLOOD HAZARD ZONE. THE 30' CONTIGUOUS ROAD PASS

JOHN W. GEE, SURV. & LDR.

1049 GRANT DRIVE (30' R/W PAVED ROAD)
 ONE MILE TO BETHEL CHURCH ROAD S-36-71
 INTERSECTION WITH S-36-696

PLAT PREPARED FOR

EARNESTINE DAWKINS, et-al
 GRANT-WILLIAMS ESTATE BLOCK "A" LOT 75
 LOCATED ALONG THE SHORES OF LAKE MURRAY
 IN NEWBERRY COUNTY, SOUTH CAROLINA

SCALE 1" = 20'
 J.W. GEE SURVEYING COMPANY
 114 GREENLEAF CIRCLE CANTON, SOUTH CAROLINA
 (803) 345-0159 29036
 SEPTEMBER 25, 2015



STAFF REPORT
BOARD OF ZONING APPEALS

January 3, 2023
Case No. VA03-01-03-23

Applicant: Larry Tucker and Kelly Tucker
Property Address: 1049 Grant Dr., Prosperity, SC
Tax Map #: 591-1-1-75

Nature of Appeal: This is a request for a 5-foot variance from the 7-foot side yard setback for a 10' x 18' storage building, to be 1.5-foot from the side yard.

Proposed Use: 10' x 18' storage building for personal use.

Board Determines: The Board is required to consider the following factors, per section 153.052(A)-(F) of the Zoning Ordinance:

153.052 (C) (1 - 5)

- 1) There are extraordinary and exceptional conditions pertaining to a particular piece of property;
- 2) These conditions do not generally apply to other property in the vicinity or in that district;
- 3) Because of these conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict use of the property;
- 4) The authorization of the variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance; and
- 5) The effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; would not change the zoning district boundaries shown on the official zoning map.

§153.172 Lot area, width, setback requirement table (See Zoning Ordinance)

Exp: hit @

NEWBERRY COUNTY

Lake Murray



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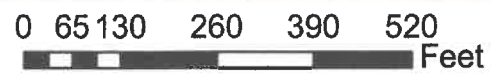


Exhibit D





Google

Imagery ©2022, CNES / Airbus, Maxar Technologies | Report a map error

Board of Zoning Appeals 2023 Meeting Schedule

1-3-23
2-7-23
3-7-23
4-4-23
5-2-23
6-6-23
7-4-23
8-1-23
9-5-23
10-3-23
11-7-23
12-5-23